



2017-50

REC'D MAY 10 2017

Nova Dubovik <ndubovik@utah.gov>

GRAMA request appeal (Standard-Examiner)

1 message

Anna Burleson <aburleson@standard.net>

Wed, May 10, 2017 at 10:54 AM

To: ndubovik@utah.gov

Hello.

I filed a GRAMA request (attached) with the Box Elder School District May 1, which was denied May 5 (attached). I appealed the denial also on May 5 and below is the text of my appeal:

The following is my appeal to your May 5, 2017 response to my GRAMA, which I filed May 1, 2017.

I still believe the records requested should be provided to me.

In response to your citation of 63G-2-302(1)(g) - "employment records concerning a current or former employee of, or applicant for employment with, a governmental entity that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions;"

I understand "home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions;" would need to be redacted. I still want the remainder of the document(s).

In response to your citation of 63G-2-302(2)(a) - "records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities,"

I didn't ask for performance evaluations specifically and understand those would be excluded from my request. I also understand race, religion or disabilities mentioned would be redacted.

In response to your citation of 63G-2-302(2)(d) - "other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy," I cite 63G-2-102, which states the Legislative intent of the Government Records Access and Management Act (GRAMA) is to "promote the public's right of easy and reasonable access to public records" while protecting the right to privacy of personal data. There is an expectation of openness. 63G-2-102 also states GRAMA will "favor public access when, in the application of this act, countervailing interests are of equal weight."

I am asking for the applications and accompanying materials submitted for a publicly funded position in a public school district. The superintendent's salary is funded with taxpayer dollars. Therefore it is in the public's interest to know who could possibly take that job. The records I requested should be made public and provided to me.

My appeal was denied May 9 (attached.)

I am appealing the denial of my GRAMA request. The district's citation of 63G-2-302(2)(d) isn't applicable because there is a presumption of openness with GRAMA.

I would also like to cite State Records Committee Appeal Decision 2016-43, Tracy Taylor v. Wasatch County School District, wherein the committee decided in favor of Ms. Taylor's request for "All applications filed with the [District] for the superintendent's position..." among other things. This sets a precedent that I should receive the records I requested. All applications and accompanying materials for the position of the Box Elder School District Superintendent should be provided to me because the public has a right to know. I also understand that things pursuant to Utah Code §§ 63G-2-302(1)(g) and (2)(a) would need to be redacted, as I stated in my previous appeal to the school district.

Please call me if any clarification is necessary.

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Anna Burleson

Ogden Standard-Examiner | Education Reporter

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- I'm also on Twitter & Facebook -

4 attachments

Original GRAMA Page 1.jpg